

On May 31, 2006 through June 2, 2006, Commercial Vehicle Section hosted a Commercial Vehicle Safety Summit (CVSS) at the Hyatt Regency Hotel in Sacramento. During the CVSS several “break-out” sessions were held during a two-day period, focusing on specific topics relative to the Department’s commercial enforcement program. During each session departmental representatives provided a 15-20 minute overview of topics of interest to the motor carrier industry. Industry representatives were then provided an opportunity to openly discuss issues of concern and ask questions regarding both state and federal laws, regulations, and other issues affecting their industry. Following is a summary of each break-out session:

**BLOCK A:**

**Federal Motor Carrier Safety Administration (FMCSA)/Federal Highway Administration (FHWA):**

- Purpose of Session:
  - The purpose of this break-out was to provide instruction to motor carriers regarding new federal regulations pertaining to interstate commerce, including hours-of-service regulations, loading securement regulations, as well as, compliance reviews and the New Entrant Safety Assurance Process.
- Main Topics of Discussion:
  - State Highway Safety Plan
  - Truck size and weight enforcement certification
  - Federal Register Notice of Proposed Rulemaking regarding size and weight enforcement
  - Re-Authorization of SAFETEA-LU
  - Crash Causation Study
  - Seatbelt usage
  - Crash data regarding commercial drivers
- Concerns/questions from attendees:
  - Private trucking schools should teach safety issues regarding driving around large trucks
  - The Department of Motor Vehicles (DMV) should provide dated No-Zone information
  - Problems with distracted drivers
  - Hay Specific Rule Making
  - Surface Transportation Assistance Act (STAA) truck routes and uneven enforcement by one county
  - Dislike of truck lane restrictions
  - Dislike of the State’s split speed limit

- Split sleeper berth rules (10 hours)
- Action Items (if any):
  - California Highway Patrol (CHP) to conduct research study identifying pros and cons of split-speed limits (Research & Planning Section)

**Department of Transportation (Caltrans) Permitting:**

- Purpose of Session:
  - Primarily to discuss current Extra-Legal Load Permit requirements, program changes, and progress in the development of electronic permitting.
- Main Topics of Discussion:
  - Delays/obstacles in obtaining permits under the current program.
- Concerns/questions from attendees:
  - Are computer generated permits allowed
  - Does Caltrans track the number of permits issued
  - Legal authority of Pilot Car operators
  - Will California provide training to Pilot Car drivers similar to Utah's training program
  - Will annual permits continue to be issued
  - Multi-jurisdictional permitting process
  - After-hours telephone number for permit related issues/questions
- Action Items (if any):
  - Caltrans will provide a response to reducible loads; single-trip versus annual trip permits; driver changes to corridors identified on a permit to allow for weather/traffic conditions

**California Highway Patrol Cargo Theft Interdiction Program/Construction Industry Crime Prevention Program:**

- Purpose of Session:
  - Cargo theft trends, driver safety, crime prevention, recovery of cargo and construction equipment
- Main Topics of Discussion:

- Development of a database to track theft locations
- Prominent types of vehicle/cargo theft
- Driver involvement in thefts
- Percentages of vehicle/cargo recovery
- Prevention
- Department's role in investigation/recovery efforts
- Concerns/questions from attendees:
  - Company use of kingpin locks
  - Drivers not made aware of what is being transported in containers
  - Types of theft reports to file
  - Construction site thefts
  - Federal involvement in cargo/equipment thefts
  - CHP inspection facility involvement in identifying/recovering stolen cargo
- Action Items (if any):
  - CHP to provide training to scale/inspection facility personnel to assist in identifying (possible) stolen cargo/equipment (Field Support Section)

### **CHP Intelligent Transportation (IT) Systems:**

- Purpose of Session:
  - Provide an overview of the Department's commercial IT programs
  - Discuss state and federal inspection reporting systems
  - Teach how to access records online
  - Teach how to challenge errors
  - Teach how to enhance accuracy at the operational level
- Main Topics of Discussion:
  - Virtual Weigh Stations
  - Integration with the federal system and ASPEN
  - The inspection reporting process
- Concerns/questions from attendees:
  - Industry would like California to integrate with federal systems
  - An "index" number for intrastate motor carriers to participate in the federal system  
(US DOT number for all motor carriers)

- Carriers would like e-mail notification of inspections
- Industry is concerned California is coded “yellow” for state reporting
- Industry requests access to California safety records online (MISTER system)
- CVISN and the “one stop shop” concept
- Action Items (if any):
  - Follow up contact with some attendees (Commercial Vehicle Section)
  - E-mail requests for the presentation (Commercial Vehicle Section)
  - Develop long range plan for commercial IT (Commercial Vehicle Section)
  - Submit a Service Request to Information Management Division for public (online) access to the MISTER system (Commercial Vehicle Section)

## **BLOCK B:**

### **Air Resources Board (ARB):**

- Purpose of Session:
  - The purpose of this break-out session was to provide instruction to motor carriers regarding Assembly Bill (AB) 1009 (Emission Labels), schoolbus retrofit funding, Engine Exchange Program, heavy duty vehicle idling regulations, etc.
- Main Topics of Discussion:
  - California air quality overview
  - Commercial vehicle enforcement programs (smoke/tampering inspections, low NOx [nitrogen oxides] heavy duty diesel engine software upgrades and inspections [REFLASH]; solid waste collection vehicle labeling and exhaust system retrofit inspections; diesel vehicle fleet self inspection program for smoke opacity; AB 1009 engine certification and label inspections and enforcement; idling enforcement; dyed diesel fuel inspections with BOE/IRS; transportation refrigeration units inspections and enforcement; diesel fleet requirements and enforcement overall).
  - North American Free Trade Agreement (NAFTA), trucks from Mexico and the air quality impacts
  - Smoking and idling vehicle reporting programs
  - Multi-agency truck and bus strike forces at ports, etc.
  - Locomotive inspections and enforcement
  - Incentive programs (Carl Moyer Program)
  - Exhaust retrofits on trucks and buses
  - 2006 low sulfur diesel fuel (15 ppm) standards
  - 2007 - 2010 heavy duty diesel engine emissions standards and technologies
  - Program compliance training and outreach

- If fleets and individual vehicle owners follow manufacturers' maintenance specifications, attend ARB training and outreach seminars and maintain communication with ARB, program compliance will not be an issue.
- Concerns/questions from attendees:
  - Trucks from Mexico in compliance with air emissions regulations. This is the "level playing field" issue. Attendees were assured that trucks operated by foreign motor carriers are required to meet all standards; AB 1009 mandates this.
  - Idling compliance--attendees had questions regarding program specifics
  - REFLASH compliance--attendees had questions regarding program compliance and fuel economy impacts of compliance
  - Fleet requirements and inspections--program compliance issues
  - Costs and durability of new engines and retrofits
  - Cost and availability of new diesel fuel
  - Enforcement policies and penalties were raised and attendees understand that the penalties assessed are set in statute or regulation and are adjudicated through administrative hearings or the courts (civil cases) vs. law enforcement traffic courts.
  - Attendees wanted assurance that ARB treats everyone fairly for a level playing field and encouraged ARB to go after their non-compliant unfair competitors. ARB assured them that they do this as a routine enforcement practice. ARB encouraged them to report (anonymously if they want) non-compliant competitors.
- Action Items (if any):
  - CHP will continue working with ARB regarding their exhaust system retrofit program for trucks and buses to ensure continued compliance with applicable safety regulations (Commercial Vehicle Section)

**CHP Biennial Inspection of Terminals (BIT)/Controlled Substances & Alcohol Testing (CSAT):**

- Purpose of Session:
  - The purpose of this break-out session was to provide instruction to motor carriers regarding the BIT program and. The break-out session was also structured to allow attendees to ask questions and voice concerns about the topics of discussion.
- Main Topics of Discussion:

- For the BIT section: The vehicle code definitions of “motor carrier” under Sections 408 and 34501.12 VC were discussed, as well as the responsibilities of motor carriers, as defined, under applicable statutes.
- For the CSAT section: A brief overview of the requirements under the federal regulations relative to CSAT was presented. The training included the types of testing required, methods required, and an outline of the required return-to-duty process for drivers who test positive.
- Concerns/questions from attendees:
  - Clarification was requested regarding the circumstances under which a motor carrier is required to conduct post-accident CSAT on a driver
  - A question was brought up regarding an owner-operator and where the BIT inspection may be performed when there is no formal terminal for the vehicle
  - A question was raised regarding under what circumstances motor carriers are cited for failure to schedule the BIT inspection within 25 months
  - An attendee wanted to know what controls are in place to prevent motor carriers from obtaining a CA number and going into business without submitting the required application and fees for the BIT inspection
  - Some attendees inquired about required periodic inspection intervals in Section 34505.5 VC
  - Attendees expressed frustration with the delays experienced when enrolling new drivers into the employer pull notice program (EPN). Motor carriers are concerned their BIT safety compliance rating may be adversely affected by excessive delays on the part of the DMV, EPN unit
- Action Items (if any)
  - CHP will analyze the possibility of extending vehicle inspection intervals for high-compliant motor carriers (Commercial Vehicle Section)

### **CHP North American Free Trade Agreement:**

- Purpose of Session:
  - Departmental representatives discussed current issues/progress with NAFTA as it pertains to the transportation industry and government. Additionally, the Department provided updated information relative to departmental operations on the Mexican border (facilities and technology).
- Main Topics of Discussion:
  - NAFTA myths

- Border zones
- Cabotage (Point to point transportation of goods or passengers)
- Border enforcement statistics traffic counts (provided via hand-outs)
- Concerns/questions from attendees:
  - Un-level playing field – Cabotage laws not being enforced
  - Family members (such as children) listed as trucking company “owners” of foreign carriers possessing U.S. interstate operating authority
  - Mexican nationals are operating in California illegally and/or without authority
  - Mexican nationals are transporting empty trailers
  - CHP personnel do not possess authority to “demand” bills of lading and other documents
  - CHP Border Division enforcement issues
- Action Items (if any):
  - Amend AB 3011 to include Cabotage language (Commercial Vehicle Section & Office of Special Representative)
  - California Trucking Association or the Teamsters to find an author to enact authority for CHP personnel to “demand” specified shipping documents (Industry)
  - Industry personnel could teach CHP personnel how Cabotage requirements are being violated (Industry)

**Commercial Industry Education Program (CIEP)/Hazardous Materials (HM) Transportation Safety:**

- Purpose of session:
  - The purpose of this break-out session is to increase attendees’ awareness of the Department’s CIEP and of HM shipment violations and training requirements.
- Main topics of discussion:
  - CIEP overview
  - Purpose of CIEP
  - Types of educational seminars offered
  - New CIEP HM Transportation Security Presentation
  - HM security and training
  - Most common shipment violations
  - Who is subject to security requirements and training
  - Elements of an HM Security Plan
- Concerns/questions from attendees:

- Development of a HM Transportation Advisory Committee: The members of the committee would include representatives from industry and governmental entities involved in the transportation of HM. The committee would serve in an advisory capacity in the development of rules and regulations governing the transportation of HM
- Action Items (if any):
  - CHP will research the necessity for a HM Transportation Committee (Commercial Vehicle Section)

## **BLOCK C:**

### **Department of Motor Vehicles/Board of Equalization (BOE):**

- Purpose of Session:
  - Discuss Motor Carrier of Property Permits; Single State Registration System (SSRS); International Registration Plan (IRP); Permanent Fleet Registration.
- Main Topics of Discussion:
  - Motor Carrier of Property Permit
  - SSRS
  - IRP
  - Projects for automating more programs/processes (self-service transactions)
  - Outreach for new motor carriers
  - DMV Headquarters and field operations
- Concerns/questions from attendees:
  - Motor Carrier of Property Permits and owner-operators
  - Delay in obtaining “cab cards”
  - SSRS versus IRP
  - Problems with delay in transactions to obtain permits/registration
  - Overlapping insurance coverages
- Action Items (if any):
  - DMV/BOE to continue pursuing automation of programs/processes

### **CHP Port Security:**



- Purpose of Session:
  - Departmental representatives gave a high-level overview of the Department's Port Security Proposal and issues involving container tracking and securement. Additionally, issues related to port corridor congestion were discussed.
- Main Topics of Discussion:
  - California's three major seaports (Los Angeles/Long Beach, Oakland and San Diego)
  - Other smaller ports within the state
  - Homeland security issues with ports
  - Seaport forecasts regarding potential growth
  - Current port security programs involving multiple agencies
  - Current CHP port security initiatives
  - Current security technology used by CHP
  - Transportation Worker Identification Credentials (TWIC) Program
  - PierPass Program
  - Future CHP proposals for port security
- Concerns/questions from attendees:
  - Is the TWIC Program extended to drivers
  - Will the TWIC Program be extended to airports and railports
  - Non-compliant owner/operators traveling in and out of the ports
  - Attendees felt the CHP should focus on hiring additional MREs in lieu of building fixed CVEFs within the port corridors
  - More focus at container port of origins (overseas) is needed
- Action Items (if any):
  - Study feasibility of more MRE officers versus additional CVEFs (Commercial Vehicle Section)
  - Increase "strike force" inspection activity at port facilities (Commercial Vehicle Section)

### **CHP Goods Movement:**

- Purpose of Session:
  - Goods movement throughout California relative to sea and land ports, technology and infrastructure.

- Main Topics of Discussion:
  - Goods Movement Action Plan
  - Economy
  - Growth
  - Three Major Ports in California (Los Angeles/Long Beach, Oakland and San Diego)
  - Port to Border Regional Corridors
  - Congestion
  - Highway Corridors
  - Needed Expansion Projects
  - Rail Expansion
  - Pollution
  - Homeland Security
  - Financing Sources
  - Challenges
  - Current Technology
- Concerns/questions from attendees:
  - Split Speed Limit
  - Longer Combination/Size - Weight Increases
- Action Items (if any):
  - CHP to conduct research study into split-speed limits (Research & Planning Section)

### **CHP Passenger Transportation Industry:**

- Purpose of Session:
  - To discuss the CHP's interaction with the tour bus industry and general requirements pertaining to tour bus carriers. Additionally, to discuss general bus and school bus wheelchair lift requirements and school bus chassis modifications, including exhaust retrofit requirements.
- Main Topics of Discussion:
  - The tour bus industry was addressed regarding CHP responsibilities and processes followed by an outline of general requirements related to carrier driver record,

maintenance record, and inspection requirements. Changes in general bus and school bus wheelchair lift requirements were reviewed. The school bus industry was addressed regarding school bus chassis modifications, including exhaust retrofit requirements.

- Concerns/questions from attendees:
  - Attendees had questions and expressed concerns on vehicle manufacturer compliance with Federal Motor Vehicle Safety Standards. Additionally, attendees had questions and expressed concerns on drug and alcohol testing programs, compliance, and enforcement.
- Action Items (if any):
  - CHP engineering staff will continue working with vehicle manufacturers regarding compliance with federal standards (Commercial Vehicle Section)

While this document reflects a number of concerns/questions from the attendees, it should be noted that many of these concerns were addressed at the conference. The actions items reflect those actions being immediately addressed by state agencies. Other concerns will be addressed at the appropriate time through further discussion with Industry.